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June 9, 2020

BY CM/ECF

The Chambers of the Honorable Judge LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Elliott v. Donegan, et al.*, No. 1:18-civ-05680-LDH-SJB

Dear Judge DeArcy Hall:

On behalf of Defendant Moira Donegan, I write in response to Plaintiff Stephen Elliott's letter to the Court today (ECF 62). Mr. Elliott's contentions are mistaken for the reasons we have already explained, *see* Reply in Supp. of D's Mot. to Dismiss 2 n.2 (ECF 45); D. Resp. to P's Mot. for Leave to File Sur-Reply 1 (ECF 47)—and as Your Honor indicated to Mr. Elliott's counsel during our February 7, 2020 oral argument, *see* Oral Arg. Tr. 52:19-23, Feb. 7, 2020 ("That [Mr. Elliott] wrote about consent would be appropriately a subject on which I could take judicial notice."); Min. Entry and Order, Feb. 7, 2020 ("[T]he Court can take judicial notice of Plaintiff's writings, but not for the truth of the matter asserted therein.").

A transcript of the February 7, 2020 oral argument is attached here as Exhibit A.

Respectfully submitted,



Roberta A. Kaplan, Esq.
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Counsel for Defendant Moira Donegan